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October 27, 2004

**VIA HAND DELIVERY**

Honorable Nathaniel M. Gorton  
 U.S. District Court for the  
 District of Massachusetts  
 John Joseph Moakley U.S. Courthouse  
 One Courthouse Way  
 Boston, Massachusetts 02210

RE: TouchPoint Solutions, Inc. v. Eastman Kodak Company  
 Civil Action No. 4-11014-NMG

Dear Judge Gorton:

I write in connection with the above-captioned matter. Pursuant to your Honor's Memorandum and Order dated October 13, 2004, TouchPoint submitted its proposed order on October 20, and Kodak was to submit its counter-proposed order today.

The parties have been attempting to agree upon mutually acceptable injunction terms. We have agreed that we would like to continue this negotiation through next Tuesday, November 2, 2004. We would propose informing the Court during the morning of Wednesday, November 3 whether we have reached agreement regarding the terms of a proposed injunction. If we have not, Kodak would file its response to TouchPoint's motion for reconsideration and proposed order, Kodak's cross-motion for reconsideration, and its counter-proposed order that morning.

Accordingly, the parties jointly request an extension of time until Wednesday morning, November 3 for Kodak to submit its counter-proposed order and motion for reconsideration.

Respectfully submitted,

Nicholas G. Papastavros

cc: Joseph Hameline, Esq.  
 Robert B. Calihan, Esq.